



"I will stand for my client's rights.  
I am a trial lawyer."  
—Ron Motley (1944–2013)

28 Bridgeside Blvd.  
Mt. Pleasant, SC 29464  
o. 843.216.9000 f. 843.216.9450

**Robert T. Haefele**  
*Licensed in DC, NJ, NY, PA, SC*  
direct: 843.216.9184  
rhaefele@motleyrice.com

April 15, 2022

**VIA ECF**

The Honorable Sarah Netburn, U.S. Magistrate Judge  
United States District Court for the S.D.N.Y.  
Thurgood Marshall U.S. Courthouse, Room 430  
40 Foley Square  
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The *Federal Insurance, Burnett*, and *O'Neill* plaintiffs write to request a modification of the Court's order governing briefing in the Da Afghanistan Bank ("DAB") turnover proceedings, ECF No. 7750, given disparate positions among the PECs firms and clients and procedural issues relating to the current status of the *Federal Insurance* judgment. The Court's Order authorized the PECs to file a single brief by April 20, 2022 and authorized the *Havlish* and *Doe* plaintiffs to file their replies, either separately or collectively, by April 27, 2022.

As the Court is aware, the *Federal Insurance, Burnett*, and *O'Neill* plaintiffs have joined the framework agreement described in their March 22, 2022 letter, while the *Ashton* plaintiffs have elected not to do so. Given this circumstance, the *Ashton* plaintiffs will be asserting divergent positions from those of the *Federal Insurance, Burnett*, and *O'Neill* plaintiffs in the turnover proceedings.

The *Federal Insurance, Burnett*, and *O'Neill* plaintiffs anticipate filing their own motion for turnover as soon as the Clerk issues the Final Judgment contemplated by the Court's Order at ECF No. 7833, and service of the writ of attachment based on that Final Judgment upon the Federal Reserve Bank of New York is completed. Issuance of that Final Judgment is pending the Court's approval of the interest calculation submitted at ECF No. 7836, and as a result the framework plaintiffs are not yet in position to secure a writ and complete service.<sup>1</sup> The motion for turnover they will file upon accomplishment of those steps will join in (and potentially augment) the turnover arguments pursuant to TRIA presented by the *Havlish* plaintiffs in the brief and related submissions already presented to the Court.

As for the *Ashton* plaintiffs, they will be asserting positions different from, and likely contrary to, those of the framework plaintiffs. As to those arguments, we anticipate that the *Federal Insurance*,

---

<sup>1</sup> Under the circumstances, the Final Judgment at issue will secure interests of the *Burnett*, and *O'Neill* plaintiffs, as well as the *Federal Insurance* plaintiffs. To issue that Final Judgment, the Clerk's Office needs the Court to communicate approval of the prejudgment interest calculation submitted to the Court at ECF No. 7836-1 page 9 of 9. The interest calculator tool used can be found at the following link: <https://financial-calculators.com/compound-interest-calculator#nav-calculator>.



April 15, 2022  
Page 2

*Burnett*, and *O'Neill* plaintiffs would be largely, if not entirely, aligned with the *Havlish* plaintiffs in responding.

In light of these circumstances and in lieu of joining in the brief authorized at ECF No. 7750 (which we anticipate *Ashton* counsel will file asserting their separate positions referenced in the preceding paragraph), the *Federal Insurance*, *Burnett*, and *O'Neill* plaintiffs respectfully request that the Court authorize the *Federal Insurance*, *Burnett*, and *O'Neill* plaintiffs to file a letter, not to exceed 2 pages, confirming their intention to join the turnover proceedings through their own motion for turnover as soon as the *Federal Insurance* Final Judgment has issued and service of the writ has been accomplished.. At the present time, we anticipate that the *Federal Insurance*, *Burnett*, and *O'Neill* plaintiffs will be able to join in the *Havlish* reply to the *Ashton* opposition. If the content of the *Ashton* filing necessitates an additional brief, we will seek leave to file one at that time.

We have discussed this proposal with the *Havlish*, *Doe* and *Ashton* plaintiffs, and they have indicated they have no objection.

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ Robert T. Haefele  
ROBERT T. HAEFELE  
MOTLEY RICE LLC  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29465  
Tel.: (843) 216-9184  
Email: rhaefele@motleyrice.com  
For the *Burnett* Plaintiffs

COZEN O'CONNOR

By: /s/ Sean P. Carter  
SEAN P. CARTER  
COZEN O'CONNOR  
One Liberty Place  
1650 Market Street, Suite 2800  
Philadelphia, Pennsylvania 19103  
Tel.: (215) 665-2105  
Email: scarter@cozen.com  
For the *Federal Insurance* Plaintiffs

ANDERSON KILL P.C.

/s/ Jerry S. Goldman  
JERRY S. GOLDMAN  
ANDERSON KILL P.C.  
1251 Avenue of the Americas  
42nd Floor  
New York, NY 10020  
Tel: (212) 278-1569  
For the *O'Neill* Plaintiffs

cc: All MDL Counsel of Record (via ECF)